

## REMARKS

The last Office Action of January 13, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 5, 6, 8-14 and 18-24 are pending in the application. Claims 1, and 19 have been amended. Claims 5 and 6 have been canceled. No fee is due.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims.

It is further noted that the specification is objected to because of lack of support for the "projections" or "cutouts".

It is further noted that claims 1, 2, 5, 6, 8-14 and 18-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 5, 6, 8, 9, 12-14 and 18-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Pat. No. EP 0 828 052 to Nimmrichter.

Claim 10 stands rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Nommrichter.

## **OBJECTION TO THE DRAWING**

The “punchings” as set forth in claim 1 are shown in Figs. 6 and 7 and labeled by reference numerals “36” and “38”, respectively. Claim 6 has been canceled. The subject matter of claim 12 is also shown in Fig. 6. The “receiving pocket”, as set forth in claim 22, is described in paragraph [0035] of the instant specification and shown in Fig. 4 as the space for accommodating the stiffening elements 4, 5. The “punchings”, as set forth in claim 24, as noted above, are shown in Figs. 6 and 7.

Withdrawal of the objection to the drawing is thus respectfully requested.

## **OBJECTION TO THE SPECIFICATION**

Applicant has amended the specification to incorporate a reference to “projections” and “cutouts”, as set forth in claim 23.

Withdrawal of the objection to the specification is thus respectfully requested.

## **REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

Applicant has amended claims 1 and 19, and has canceled claims 5 and 6 to address the §112, second paragraph, rejection. These changes are self-explanatory so that further discussion thereof is not necessary.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is thus respectfully requested.

#### **REJECTION UNDER 35 U.S.C. §102(b)**

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

Claim 1, as now on file, is directed to a hollow section provided with a frame section and a plurality the stiffening elements arranged in the frame section and formed with punchings in such a way that a **same** cross sectional area is realized in a direction transversely to the longitudinal axis of the frame section throughout. In contrast thereto, in Nimmrichter, the cross sectional area is different at different locations. Applicant has attached hereto a copy of Fig. 6 of the instant disclosure and Fig. 3 of Nimmrichter, whereby two section lines A and A' have been added. A comparison between Fig. 6 of the instant specification and Fig. 3 of Nimmrichter clearly shows the difference between the subject matter of the present invention and the disclosure of Nimmrichter. While the cross sectional areas A, A' in Fig. 6 of the instant specification are identical, the cross sectional area A in Nimmrichter is clearly greater than the cross sectional area A'. As a consequence of this uneven configuration, pulsation is experienced during extrusion in view of the need for different amounts of liquid plastic. Reference is made in particular to paragraph **[0043]** of the instant specification.

Please note that claim 1 relates to identical cross sections at different locations and does not relate to a symmetric cross section at one location. In

order to make claim 1 clear on this point, applicant has amended claim 1 has by adding the reference to --throughout--.

For the reasons set forth above, it is applicant's contention that Nimmrichter neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

It should, however, be noted that these dependent claims contain individual patentable features per se. In this connection, applicant wishes to refer e.g. to claims 12, 23 and 24 which set forth specific configurations of the stiffening elements and in particular the disposition of the punchings to attain a same cross sectional area throughout the stiffening element. For example, claim 12 sets forth the offset relationship between punchings at opposite longitudinal edges of the stiffening elements, or claim 23 sets forth the alternating arrangement of projections and cutouts as a result of a respective provision of the punchings. Thus, applicant not only recognized the main drawback of prior art references, e.g. pulsation during extrusion, but attains also a solution to address this problem.

Withdrawal of the rejection of claims 1, 2, 8-14, and 18-24 under 35 U.S.C. §102(b) and allowance thereof are thus respectfully requested.

## **REJECTION UNDER 35 U.S.C. §103(a)**

Claim 10 which depends from claim 1 and therefore contains all the limitations thereof, patentably distinguishes over the applied prior art in the same manner as claim 1.

Withdrawal of the rejection of claim 10 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

## **CONCLUSION**

Applicant believes that when the Examiner reconsiders the claims in the light of the above comments, he will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the

Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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